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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated, ALEXANDRA JOHNSON, in an individual capacity and on behalf of themselves and all others similarly situated,

PLAINTIFFS,

v.

CITY OF PORTLAND, a municipal corporation, and MULTNOMAH COUNTY, a political subdivision of the State,

DEFENDANTS.

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Case No. 3:20-cv-00917-HZ

DECLARATION OF CRAIG DOBSON

**(In Support of Defendant City of Portland's
Response to Plaintiffs' Motion for
Preliminary Injunction and Motion for
Contempt)**

I, Captain Craig Dobson, declare as follows:

1. I am employed by the City of Portland as a Captain in the Portland Police Bureau (“PPB” or “the Bureau”). I have been a police officer for the City of Portland since 1998.

Currently, in addition to my role as Captain, I am also frequently in the role of Incident Commander for crowd management/crowd control occurrences that take place within the City.

2. By way of background, I attended the State of Oregon’s Police Academy in 1998. This was approximately a 10-week program. While I have been employed with the City of Portland, I have attended the Bureau’s annual in-service trainings, which typically last about one week. The annual in-service training will cover various law topics.

3. I have received training both from the state police academy and from the Bureau’s Training Division at annual in-service training.

4. I have also received training both from the state police academy and from the City of Portland’s Police Bureau’s Training Division at annual in-service training, regarding the lawful use of physical force or control.

5. From 2010 until November of 2013, I was assigned to the Bureau’s Central Precinct as the Bureau’s downtown Special Events coordinator. Part of my duties as Special Events coordinator involved meeting with event organizers for demonstrations, large scale gatherings and visits by high profile dignitaries. This includes working together to create a safety plan with event organizers, creating a PPB incident action plan and executing the plan to ensure the event occurs as planned.

6. I have also received special training in crowd management/crowd control management and have used that training in my role as a crowd management Incident Commander. Among other things, I completed the Government Training Institute’s Public Order Management course, and I have taken FEMA’s Emergency Management Institute All-hazards Operations Section Chief, FEMA’s Field Force Command course and designated as a Department of Homeland Security Certified Instructor for the Center for Domestic Preparedness

and I am an instructor for public order classes for PPB.

7. The City's Crowd Management/Crowd Control policy is numbered 0635.10 ("Directive 635.10"). Directive 635.10 is available at:

<https://www.portlandoregon.gov/police/article/649358>

8. The City's Use of Force policy is numbered 1010.00 ("Directive 1010.00"). Directive 1010.00 is available at: <https://www.portlandoregon.gov/police/article/751998>

9. Incident Commander ("IC") is defined in the Policy. The IC is the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has the overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

10. The cornerstones of the Policy are set forth in the description of the purpose of the Policy and is a powerful statement understanding the history of Portland. Notably, the Policy requires that "Member response should be commensurate to overall crowd behavior, and members should differentiate between groups or individuals who are engaging in criminal behavior or otherwise posing a threat to the safety of others and those in the crowd who are lawfully demonstrating."

11. I emphasize the importance of facilitating First Amendment activity, and I instruct officers on that requirement every time I am the IC. I have observed the same from all PPB ICs. This emphasis can be found in the Incident Action Plan that sets out Incident Objectives and Priorities and are communicated to all command staff, supervisors, and police officers in the field. In accordance with the Policy, "Free Speech" and the need and requirement to "facilitate the lawful exercise of free speech in and around events" has been emphasized to all Police Bureau employees.

12. Annually, the Portland Police Bureau facilitates hundreds of demonstrations and crowd events in the City of Portland involving a wide variety of subject matters and political

issues, including numerous events related to incidents of police force and advocating for major police reforms. These events have involved thousands of people, often without any police intervention or use of force.

13. Beginning on May 29, 2020 to the present, I have been serving as the Incident Commander for the demonstrations in Portland and I have acted and instructed officers under my direction to act consistent with all Portland Police Bureau Directive. I have regularly highlighted the requirements of Directive 635.10 and Directive 1010.00, and effective June 6, 2020, the requirements set forth by Mayor Wheeler, effective June 9, 2020, the requirements of Judge Hernandez's Order, and effective June 26, 2020 the requirements of Judge Hernandez's additional Order and then effective on June 30, 2020 the requirements of the new state law on the use of tear gas and Judge Simon's Order of July 2, 2020.

14. Throughout these demonstrations, one of the Portland Police Bureau's goals has been to facilitate lawful First Amendment activity by all persons in the City of Portland.

15. Since May 29, 2020, the Bureau has strived to achieve this goal by reaching out to protestors and encouraging peaceful assembly through words directly from officers to demonstrators, PPB's twitter feed and other social media platforms, demonstration liaison teams, demonstration liaison, and the Sound Truck.

16. During the demonstrations since May 29, 2020, at a variety of locations, thousands of demonstrators have freely exercised their First Amendment rights with minimal police involvement. For example, from May 29, 2020 through approximately the weekend of June 27, 2020 and 28, 2020, thousands of demonstrators typically gathered at Revolution Hall and the adjacent park (and other locations) and there was minimal involvement from PPB. PPB did not direct this group to disperse and did not use or threaten the use of tear gas. Similarly, thousands of demonstrators marched from Revolution Hall, across the bridge (many lying in the streets at different times) to Waterfront Park and also gathered in Pioneer Square. Demonstrators have also on occasion blocked the freeways through downtown Portland. Again, there was been

minimal involvement from PPB on these bridges, at Waterfront Park, at Pioneer Square or at the freeways. The same is true for multiple other locations throughout Portland.

17. These thousands of protestors, protested peacefully, without endangering the life or safety of others or destroying property. It is my understanding that these protestors are advocating for police reform and criticizing police practices. PPB has encouraged these protestors, expressed appreciation for these protestors, offered to speak with these protestors, has not declared these protests unlawful or ordered dispersal, and has not used force against these protestors. I have directed minimal to no PPB presence at these protests because it is not needed.

18. Pursuant to Directive 635.10, the IC must authorize the use of riot control agents to disperse a crowd.

19. Riot control agents include CS gas, which is commonly known as tear gas.

20. In contrast with the Peaceful demonstrators, there has been a nightly group of demonstrators since at least May 30, 2020 that have acted very differently from the group of peaceful demonstrators.

21. The group acting differently from the Peaceful demonstrators continue to show various types of serious violence on a near nightly basis. I would group the actions of this violent group in the following categories: A. Use of Projectiles; B. Fires; C. Extreme property damage including looting; D. Direct Assaults against police officers resulting in injuries; E. Extreme Tactics that include barricading ingress and egress from occupied buildings and at times lighting fires inside and outside the buildings, disabling security cameras and using locks to prevent ingress and egress; F. Illegal commercial and industrial fireworks as weapons; G. Breaking into buildings with unknown intent; H. Citizen assaults; I. Barricading streets and blocking traffic and then Cars driving through crowds of protestors and fires at the barricade points; J. People carrying firearms, who have engaged in gun pointing and actual discharges within the City limits; K. Improvised Explosive Devices; L. Lasers to temporarily or permanently blind officers.

22. With respect to use of projectiles as weapons, this violent group of demonstrators repeatedly throw projectiles at police and property. Many of the projectiles pose an imminent risk of serious physical injury to police. The projectiles include rocks, frozen water bottles, full water bottles, launched full soup cans, unopened beer cans and bottles, steel pellets from sling shots, bricks, fist size rocks, knives, frozen fruit and commercial and industrial fireworks. This has resulted in injuries requiring medical attention to PPB officers and officers from other police jurisdictions that have provided assistance to PPB. Many of these projectiles that have been thrown at officers at the Justice Center and other locations downtown have caused injury to police officers. PPB has over 30 reports of injury including one officer being hit in the face with a projectile that resulted in multiple stitches and one officer that caught fire after being hit by an incendiary device.

23. With respect to fires, over 140 of these have been set throughout the city, including one inside the Justice Center, and at North Precinct on another occasion when security cameras were disabled, ingress and egress was blocked by protestors with dumpsters and by nailing boards over doors and then lit a fire that charred the outside of the precinct all while there were in custodies and police officers inside the building.

24. With respect to extreme property damage including looting, I understand from reports I have read and damage I have seen, that damage is in the millions of dollars and it is obvious throughout the City and various locations including downtown Portland and along demonstration routes and at other protest locations.

25. With respect to direct assaults against police officers, I have witnessed and had voluminous reports that the assaults come from projectiles, and other weapons against police officers many of which have resulted in injury.

26. With respect to extreme tactics, I have observed and had reports that the violent group of protestors have used barricading ingress and egress from occupied buildings and at times lighting fires inside and outside the buildings, disabling security cameras and using locks

to prevent ingress and egress; and used projectiles to break windows followed by the use of fireworks/incendiary devices to try and create fires inside the structures. Additionally, some protesters have been organized and employed group tactics assigning various roles to fellow protesters to coordinate their activity against the police. See [Exhibit 43](#)

27. With respect to commercial and industrial fireworks used as weapons, I have witnessed and had reports of the use of hundreds of fireworks launched at police officers and others in buildings, including at least one instance where a police officer's clothing caught fire and luckily was quickly extinguished. These fireworks have also included multiple launches at the Federal Courthouse, Justice Center and many other locations throughout the city.

28. With respect to breaking into buildings with unknown intent; the most serious of which was when violent protestors entered the inside the Justice Center destroyed office space and lit fires that needed to be extinguished. In addition, multiple banks throughout downtown have been broken into and fires have been lit.

29. With respect to citizen assaults, there have been multiple assaults on citizens, for example PPB has had reports of violent demonstrators beating a man on June 24, 2020 at 4 a.m. at 4th Avenue and Morrison Street. The video is captured here. [Exhibit 42](#).

30. With respect to barricading streets and blocking traffic, on multiple nights protesters have used nearby materials to create barricades and block traffic. Some of these barricades have been lit on fire. This activity has resulted in some vehicles driving through crowds of protesters presenting a public safety issue. Additionally, protestors have used vehicles to block streets, harass the police and interfere with police operation.

31. With respect to firearms, individuals have illegally load firearms, pointed them at protesters, occupied buildings and discharged firearms in and around protest events.

32. With respect to improvised explosive devices, PPB has knowledge of IEDs being seized by law enforcement.

33. Depending upon the circumstances, each of these categories of violence all present situations in which the property, lives and/or safety of the public or police are at risk.

May 29, 2020

34. On May 29, 2020, protests began peacefully with a large gathering at Peninsula Park. During the initial gatherings at Peninsula Park and downtown Portland, police kept a minimal presence away from the protesters and allowed them to exercise their First Amendment Rights. The protesters then marched towards downtown along NE MLK Boulevard and as they did so, some damaged property along the way by breaking out windows and writing graffiti. The Wells Fargo on MLK had its windows broken out and several other businesses were vandalized. The Nike Outlet on MLK also had its windows broken and was spray painted. The sound truck reported that almost every block had graffiti and windows broken for the 20 blocks driven. Prior to the protesters reaching downtown, several warnings were issued by the sound truck advising those involved to refrain from committing crimes and to remain peaceful.

35. At one point while the march was still on NE MLK Boulevard there was a report that a gun shot was fired following a confrontation after an individual drove his car into the protest. Later, at Legacy Emanuel hospital, a gunshot victim claiming he was shot by a protester on MLK, sought treatment. Once downtown a large group gathered in front of the Justice Center. At approximately 11:00 p.m., the sound truck announced: "There has been significant vandalism and a shooting connected to this protest. People need to go home. If you are downtown, within the demonstration with children, you are advised to leave. Any further vandalism and violence will be declared an unlawful assembly and PPB will begin efforts to disperse." Some protesters continued to break windows and set fires. Just after that, the demonstration was declared an unlawful assembly, and demonstrators were warned that force may be used to disperse.

36. Just minutes after this announcement, protesters smashed a window at the Justice Center, which houses the Multnomah County Detention Center ("MCDC") and proceeded enter

and destroy office space and threw flares starting a fire. At any given time, the Justice Center typically houses approximately 300 people incarcerated at MCDC and an additional 100 personnel that work there. Hence, the possibility of fire in a building that houses a jail could have catastrophic consequences.

37. This was the first instance during the protests beginning May 29, 2020 that I authorized the use of CS gas to remove individuals who had broken into the MCDC. It was only at this point, after hours of vandalism and dangerous criminal activity, that tear gas was deployed. But neither the dispersal orders nor the tear gas stopped the unlawful activity which continued into the early morning of May 30, 2020, with individuals engaging in dangerous criminal activity and rioting.

38. A fire was set at the Apple store and just after 11:30 p.m. a fire was started in the middle of the street. A vehicle was fully engulfed in flames near SW Main and SW 3rd. After midnight, PPB declared a riot, and closed all of downtown to traffic, pedestrians and vehicles—ordering everyone to disperse. Announcements were repeatedly made directing the crowd to “Disperse Now!” and “Move North!” For approximately three hours between 12:41 a.m. and 3:30 a.m. on May 30, one sound truck announced “Portland Police Bureau has declared this a riot. The following area is closed to all pedestrian and vehicular traffic. SW Naito to SW 13th Ave, SW Lincoln to NW Everett. You must disperse now or you’ll be subject to gas, projectiles and other means necessary for dispersal.” Another sound truck similarly announced that there was a riot, directed people to leave to the north and warned that people may be subject to gas. PPB tweeted: “All persons in downtown Portland: it is not safe, it is dangerous, there is rioting, leave now.” Attached as [Exhibit 20](#) are the Sound Truck Reports for May 29, 2020 - May 30 2020.

39. Portland Fire and Rescue identified over twenty fires that night. Pioneer Place and other business downtown were broken into and looted. Several banks were set on fire including the Wells Fargo on SW 6th and Morrison, Chase Bank on SW 6th and Yamhill, Capital One Bank

on SW Broadway and Morrison. These activities continued until after 4:00 a.m. after PPB was able to quell the violence. Sporadic looting continued to occur.

39. Attached as [Exhibit 21](#) are video clips showing the break-in, destruction, rioting, and fire set to the Justice Center this night.

40. Attached as [Exhibit 22](#) are video clips of some of the projectiles being thrown from the hostile crowd this evening.

41. Attached as [Exhibit 23](#) are videos clips of some of the fires throughout downtown that protesters were setting.

42. Attached as [Exhibit 24](#) are videos clips of the breaking in and looting of downtown stores this evening.

40. Following the events of the night of May 29 and early morning of May 30, a fence and other barricades were erected around the Justice Center and other critical infrastructure in the downtown area. Additionally, Commissioner Hardesty, and later Mayor Wheeler imposed a 8:00 pm curfew for the entire City. [Exhibit 25](#)

May 30, 2020

41. Protests downtown on May 30, 2020 began in the afternoon, while workers were erecting a fence around the area from SW 1st to SW Salmon to SW 5th to SW Jefferson. The fence was erected to protect critical infrastructure. For the first few hours, protestors marched in downtown and across the bridges with little or no interaction with police. At 6:00 p.m., PPB was still receiving reports that the crowd, while in the street at times, was “not violent” and had just engaged in some tagging, RRT held off on any response. At just before 6:15 p.m., there were radio reports that members of the crowd were shaking bottles and possibly passing around projectiles, I instructed officers to move a block away to get out of possible projectile range and continue to observe. I had instructed officers that I did not want the police presence to incite the crowd and cause anything to happen, and therefore staged PPB members out of sight or as far back as possible to observe.

42. At approximately 6:30 p.m., some protestors began climbing the fence that had been erected to protect the critical downtown infrastructure, including the Justice Center. Officers were authorized to use pepper spray if people tried to breach the fence. At approximately 6:40 p.m., targeted impact munitions were authorized for people that are throwing projectiles. During this time, more projectiles were being thrown. PPB also received reports that 15 cars were trapped in the crowd. At this point, the sound truck gave instructions for protestors to clear the intersection and move to the sidewalks. These announcements continued for ten minutes. These announcements continued for ten minutes. Attached as [Exhibit 26](#) are the Sound Truck Reports for May 30, 2020 – May 31, 2020.

43. Officers began to move individuals from the intersection, and people within the group began throwing projectiles at the officers. This included cans, water bottles, and glass bottles. The sound truck announced that the event had become an unlawful assembly and officers were authorized to use tear gas and other munitions. PPB tweeted “Portland Police has declared an unlawful assembly; you are ordered to disperse. Everyone must leave the area between SW Naito Pkwy to 13th Ave. and Lincoln St. to N. Everett. Failure to do so could result in arrest and use of force including riot control agents and impact weapons.” The sound truck repeatedly announced the unlawful assembly and directed protestors to leave to the North. Throughout this time, PPB directed officers in cars to redirect traffic to avoid the blocks of protestors in the street. PBB was able to eventually push protesters north while some protesters threw objects at the police. RRT member used munitions, including tear gas during this time period.

44. At 8:00 p.m., PPB announced that the Mayor’s curfew was in place, and that people needed to go home or be subject to arrest. [twitter and sound truck]. Shortly after the curfew was announced there were reports about the crowd getting violent fighting each other punching and knocking people to the ground, including protestors and counter-protestors fighting over an American flag. At approximately 8:20 p.m., the sound truck announced that the Mayor’s

curfew was in effect and directed “Go home now. Failure to comply may result in arrest or the use of force against you.” At approximately 8:24, officers had rocks thrown at them. At approximately 8:25 p.m., officers were authorized to use tear gas, and deployed tear gas to break up the large crowd into small groups and keep them from regrouping. RRT was able to move a large group into Waterfront Park and move them north and prevent them from crossing over Naito to go back into downtown.

45. After protestors dispersed the area around the Justice Center, many protestors regrouped in different areas downtown and in the Lloyd District. Portland Fire and Rescue received reports of ten fires on the night of May 30, 2020. There were numerous reports of people throwing objects at officers. Just before 9:00 p.m., PPB was informed that “business owners armed with rifles and handguns wearing vests” and were protecting their businesses near NW Couch and Davis area.

46. At approximately 11:35 p.m., aerial mortars and fireworks were thrown at the Multnomah County Courthouse. At numerous locations during the evening, officers used tear gas to disperse groups that had ignored orders to disperse and were violating the curfew. Many of these groups were also engaged in looting, vandalism, and other criminal activity, including breaking doors or windows at the Northface store, Starbucks at 11th and Alder, and Target. PPB members returned back to precincts at about 2:40 a.m.

47. Attached as [Exhibit 27](#) are videos of the continued criminal behavior that occurred this evening.

May 31, 2020

48. I reviewed the activity log maintained in the incident command post for the afternoon of May 31, 2020. It indicated as follows:

- a. Protests on May 31, 2020 started in the early afternoon. At approximately 1:40, there were a number of people in the street on SW 3rd Avenue and Main Street on the westside of the MCDC. The sound truck announced that SW 3rd Avenue was

open to traffic and instructed 100 protestors to leave the roadway about 12 people were sitting or lying in the road. Approximately 20 minutes later, at 2:00 p.m., officers began to clear the roadway, and move people into the park as the sound truck made announcements. Just after 2:00 p.m., a protestor asked to speak with officers, and Sgt. Sutton had a dialogue with that person. Based on this dialogue PPB believed that it had reached an agreement that the protestors would remain out of the street on the sidewalk and in the parks to allow traffic through. At approximately 2:20, protestors asked officers to take a knee, which they did. At 3:33 p.m., the sound truck announced “Please honor our agreement, move to the sidewalk, and into the park now.” PPB observed that this crowd appeared to largely comply with that request, estimating that 90% of the group had moved out of the street.

- b. Just after 4:00 p.m., the IC received reports that some individuals in the crowd began throwing bottles and other projectiles at officers. The sound truck announced three times that “If you remain in the roadway and show the intent to engage in physical resistance to removal, or if emergency circumstances require, you may be subject to uses of force, including riot control agents and impact weapons.” After the crowd did not respond to the announcements and continued to throw projectiles, the IC authorized the use of CS gas at 4:18 pm. Attached as [Exhibit 28](#) are the Sound Truck Reports for May 31, 2020 – June 1, 2020.
- c. At approximately 4:30 p.m. the IC received reports that officers continued to have projectiles thrown at them, including large D size batteries. At 4:55 p.m. the protest liaison again spoke to the crowd and let them know that PPB would pull back it’s resources if the group would stay out of the streets. PPB even allowed a protestor to use the City’s public address system to ask fellow protestors to move into the Lownsdale and Chapman parks.

d. At approximately 5:18 p.m. protesters started marching out of the parks and moving northbound towards Pioneer Square and then marched back towards SW 3rd Avenue and SW Main. PPB tweeted “Portland Police appreciates demonstrators who have moved out of the street and remained peaceful.” Again at 5:31 p.m., PPB tweeted “Demonstrators are complying with the order to vacate the area of SW 3rd Avenue and SW Main Street. Portland Police will not interfere with their peaceful march as long as it remains civil.”

49. At approximately 5:52 p.m., another group of protestors began gathering at Laurelhurst Park. By 6:21 p.m. about 1000 people had gathered at Laurelhurst Park and began marching to SE Precinct. The sound truck announced “We have the roads blocked for your safety. Please continue on your path to the east. We want to facilitate your march Continue east with the rest of your group. We are here to facilitate your march to the east safely.” Similar announcements were made to this group. PPB estimated that this group involved over a couple of thousand people.

50. By 7:17 p.m. a large group had gathered at 47th and Burnside at the SE Precinct. This group grew in size to about 1,500 to 2,000 and at 7:54 p.m. was loud but for the most part remained peaceful and did not require much PPB intervention. This crowd began marching westbound toward downtown and met up with another large protest group already near the Justice Center. At 8:38 p.m. the protesters left SE precinct and traffic in the area was moving freely.

51. Meanwhile at the Justice Center another large group had gathered earlier. At 8:00 p.m., PPB announced via twitter “The Mayor’s curfew is now in effect.” Just after the curfew announcement, officers on the ground reported taking multiple glass bottles from the crowd downtown. At that that time a large crowd of about 300-400 were in the park area with about 50 dressed in BlackBloc attire wear congregated in the middle with traffic cones. Based on my experience and knowledge I know that protesters will often use traffic cones and put them on top

of tear gas canisters to keep them from emitting its contents. At approximately 8:08 p.m. PPB tweeted “Demonstrators downtown are throwing glass water bottles at police. Sound truck is advising that this is now an unlawful assembly. Police will begin efforts to disperse the crowd. Leave now.” At approximately 8:10 p.m., the sound truck announced that the event had become an unlawful assembly and that police would begin efforts to disperse the crowd. “If you do not leave now, you may be subject to uses of force, including riot control agents and impact munitions.” This was broadcast a total of eleven times. Shortly thereafter, officers began using tear gas to disperse the crowd near the Justice Center. RRT deployed tear gas near SW 3rd Avenue and SW Madison Street to clear the area. Members of the crowd began throwing canisters of tear gas back at officers, and the group split into several hundred going north and several hundred going south. Tear gas was also deployed near 10th Avenue and Columbia. The large group had largely been broken up into four or five smaller groups.

52. PPB attempted to clarify on twitter, explaining at 8:41 p.m., “Police dispersed the crowd who were throwing projectiles at police near the Justice Center. A march is still occurring westbound on SE Burnside. Thank you to all the participants for remaining peaceful.” Officers continued to have objects, including rocks, thrown at them, and deployed force in response. Some individuals were breaking windows downtown.

53. Just after 9:30 p.m., I directed that officers should not let the protestors take the Justice Center, and authorized force to stop that from happening. However, I also cautioned not to respond to the protestors unless necessary to defend the Justice Center. Throughout this time, officers continued to report that projectiles, including glass, were being thrown at them. The sound truck announced this to the crowd and warned “Anyone who is involved in criminal behavior including throwing of objects will be subject to force up to and including impact munitions and chemical agents.” Similarly, on twitter, PPB explained that the “Crowd is throwing projectiles at police. PPB Sound Truck is asking people to [sic] remain stop. Remain calm and keep this a peaceful assembly.”

54. PPB had previously been informed that local downtown business owners had armed themselves and were protecting their stores. At approximately 10:00 p.m., PPB received reports stating that business owners who were armed and “police friendly” were wearing black hats with a “T” logo and yellow vests.

55. At approximately 10:09 p.m., there was an explosion caused by protestors on SW 3rd Avenue. About a minute later, the sound truck announced “This is the Portland Police. We would like to inform you that the explosion you heard was not due to police actions. It came from within the crowd or somewhere else, it was not the police.”

56. At approximately 10:43 p.m., there were reports of broken glass at the federal courthouse, individuals enter the building, and a flare being thrown into the building. PPB tweeted this information and instructed people to leave the building immediately and advised the crowd to disperse to the west. The sound truck also directed the crowd to move west and leave the area around the federal courthouse. The sound truck warned “If you fail to move, you may be subject to arrest or use of force.” PPB sought to move people away from the federal courthouse so federal protection services could investigate and evacuate if necessary. As officers sought to clear this area, they began taking significant projectiles from the crowd, including glass. At this point, some officers deployed tear gas.

57. Shortly thereafter, federal protection services determined that nobody had entered the courthouse, and at approximately 11:00 p.m., PPB shared this information with the crowd. The sound truck informed the crowd that they could move back in front of the Justice Center and continue. The group continued to throw bottles, sticks, and other projectiles at officers from approximately 11:15 p.m. to 11:25 p.m. Aerial mortars were also being launched at officers. The order to disperse the crowd was given and RRT began to do so. The sound truck announced at approximately 11:30 p.m., that “This is a civil disturbance and we have declared an unlawful assembly. Leave the area now or you will be subject to uses of force, to include riot control

agents and impact munitions. Leave now.” Similar announcements were made at 11:35 p.m. over twitter.

58. Following the unlawful assembly announcements, members of the crowd continued to start fires, throw projectiles at officers, and launch fireworks and mortars toward officers. Officers deployed tear gas to disperse the crowd that had become violent. Smaller groups broke up around downtown for the next several hours. The PPB sound trucks continued to announce that this was an unlawful assembly and instructed people to leave. Fires were set around downtown. Many people were observed breaking windows, vandalizing or otherwise engaged in criminal activity. Officers traveled around downtown attempting to address these groups that were engaging in criminal activity. Tear gas was used to address these groups. This continued until approximately 2:00 a.m.

59. Portland Fire and Rescue responded to approximately 15 fires during the night of May 31 into the early morning of June 1, 2020. During the night, Sergeant Oliphant was struck with a glass bottle that broke upon impact, a milk jug filled with paint.

June 1, 2020

60. From my own independent knowledge and after review of the force data collection reports, on the evening of June 21, 2020, the Portland Police bureau did not deploy any munitions through the holes in plywood from inside the Justice Center nor come out of the Justice Center and fire munitions at demonstrators nor deploy any munitions from the portico at the Justice Center. Additionally, I did not authorize and PPB did not deploy tear gas on June 1, 2020.

61. Exhibit as [Exhibit 29](#) are video clips of projectiles being thrown at officers on this night.

62. Exhibit as [Exhibit 30](#) are video samples of the criminal activity that took place this evening.

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June 2, 2020

63. Two organized groups gathered on June 2, 2020 at around approximately 6:00 p.m. One gathered at Pioneer Square and a second gathered at Revolution Hall. Many thousands marched from Revolution Hall, stopping briefly to lie down across the Burnside bridge. These groups peacefully demonstrated for several hours.

64. Several hundred protestors also gathered at the fence that had been erected around the of the critical infrastructure downtown. Some members of this group attempted to breach the fence and threw projectiles, including mortars, fireworks, glass bottles, and baseball bats. At approximately 9:00 p.m., PPB, through the sound truck and twitter admonished protestors not to tamper with the fence and warned that force may be used.

65. At approximately 9:15 p.m., the sound truck announced that the demonstration at the fence had become a civil disturbance and protestors were required to leave. It again warned of the use of riot control agents. Protestors stayed and some continued to throw projectiles at officers. Following these announcements, officers began to deploy tear gas to disperse the protestors who had not left. Attached as [Exhibit 31](#) are the Sound Truck Reports for June 2, 2020 – June 3, 2020.

66. Knowing that there was a significant group of peaceful protestors at Pioneer Square, I directed officers not to push the group from the fence line into Pioneer Square or to deploy tear gas at Pioneer Square. At approximately 9:33 p.m., PPB tweeted “We continue to appreciate the thousands who are gathered peacefully in Pioneer Courthouse Square, while another smaller group is causing destruction and throwing projectiles at officers on 4th and Taylor. That has been declared an unlawful assembly.”

67. Protestors continued to throw bottles and other projectiles at officers. These included bottles being thrown off the top of a parking structure, protestors throwing riot control agents back at police, and protestors throwing flares. The sound trucks continued to announce the unlawful assembly and directed protestors to leave for the next two hours.

68. At approximately 11:12 p.m., the crowd returned to the fence line around the Justice Center. PPB tweeted “The crowd is moving toward the Justice Center. The sound truck is advising not to tamper or interfere with the fence. We want everyone to remain peaceful.” At approximately 11:30 p.m. officers were hit with batteries thrown from the upper deck of a parking garage. The sound trucks announced that the event had again become a civil disturbance and directed people to leave to the north, warning of a use of force for failing to leave. Individuals within the crowd continued to throw objects at officers. Tear gas was again used to disperse the group.

69. As the larger group broke up, smaller groups formed. Some of these groups lit explosives, fireworks, and some small fires. Individuals continued to throw objects at police as they tried to direct people to leave. Two sound trucks drove around directing people to leave. At approximately 12:35 a.m. on June 3, 2020, I directed all units to disengage and ordered all officers back within the fence line. I hoped that removing officers from the equation would de-escalate the anger. By approximately 2:00 a.m. the demonstration had largely ended.

70. Attached as [Exhibit 32](#) are video clips of projectiles being thrown at officers on this night.

June 26

71. From my own independent knowledge and after review of the force data collection reports, on the evening of June 26, 2020, the Portland Police bureau did not deploy any munitions through the holes in plywood from inside the Justice Center nor come out of the Justice Center and fire munitions at demonstrators nor deploy any munitions from the portico at the Justice Center.

June 27

72. Demonstrators came to the Justice Center at about 7:30 p.m. on June 27. They immediately began blocking SW 3rd Ave. at SW Main by forming a human chain and passing

plastic barricades that appeared chained together out of a pit at SW 2nd Ave and SW Salmon. I understand there were calls for violent resistance from the crowd.

73. At approximately 10:25 p.m., PPB declared an unlawful assembly in order to re-open SW 3rd. PPB brought in flatbed tow trucks to carry away the constructed barriers. Seven minutes after the announcement, very few demonstrators had left the roadway. PPB officers began to push the crowd up to SW 4th Ave. During this push, demonstrators threw rocks, glass bottles and paint at PPB officers. They also shined lasers in officers' eyes. PPB deployed smoke to distract the crowd so officers could pull back from the area safely once the barricades had been removed. Most of the crowd moved back to the area around SW 3rd and SW Main. Attached as [Exhibit 36](#) are the Sound Truck Reports for June 27, 2020 – June 28, 2020.

74. During the initial dispersal, officers deployed munitions in the direction of small groups of people who were throwing items and the line of officers. Additionally, officers used handheld OC spray when confronted by a violent crowd, fights and fires.

75. The City's fire medics responded to one person injured during the fight. At approximately 12:30 a.m. on June 28, a group of the crowd took down and burned Multnomah County's flags. And just before 1:30 a.m., the demonstrators moved to the SW 2nd Avenue side of the Justice Center. Some individuals attempted to block the door to the precinct, as well as the roll-down gates. A police officer attempted to arrest one individual but was hit in the face with a skateboard. At this point, PPB Sound truck announced another unlawful assembly and directed protestors to leave the area. Officers attempted to move the crowd to SW 2nd and SW Main. The crowd pulled two dumpsters from the corner of SW 2nd and SW Main. At that point, I closed the area from SW 1st to SW 6th from Clay to Morrison and PPB personnel began to push back the crowd.

76. Attached as [Exhibit 37](#) are clips from livestream video from June 23, 2020.

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Over Fourth of July Holiday Weekend

77. As the Portland Twitter account conveyed and I have witnessed, “Portland neighborhoods have experienced demonstrations for over a month. While many have been peaceful and non-violent, we continue to experience one group with many participants who engage in nightly violence and destruction directed at police and public safety facilities. In the past week, individuals have thrown baseball-sized rocks, full aluminum beverage cans and frozen water bottles at officers. Projectiles have also been launched at high speeds from sling shot devices, including marbles, blades, rock, and other items. On numerous occasions, commercial grade fireworks have been directed at police. And individuals have set fires and have attempted to burn buildings with people inside. These actions could result in significant injury or loss of life and have catastrophic consequences. The damage and destruction have not been limited to police, however. Windows have been broken and items have been stolen from small and large businesses, including businesses opened by people of color. Closed businesses are not just empty buildings at night. They represent lives and livelihoods of hard-working people. There has been an increase in vandalism to public and private buildings and calls to murder police officers. These are not examples of peaceful protest.”

78. The dynamics of the demonstrations over the July 4th weekend, beginning July 2, 2020, have become a waiting game for what type of violence will be directed at personnel and the buildings at the corner of SW 3rd Avenue and Main Street. The two locations that are the main target of demonstrators are the Federal Courthouse just North of Main and west of SW 3rd Avenue and the Justice Center which is to the south of Main and the west of SW 3rd avenue. The evenings of July 2, 3 and 4, 2020 reflect the challenges of responding to violent demonstrators that are causing very real life and safety issues. I understand from reports and information provided to me, on each of these nights a riot was declared at these locations

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July 2

79. On July 2/3, 2020, the Federal Courthouse was attacked with projectiles and mortars and a riot was declared. CS gas was deployed by federal personnel, but PPB did not deploy CS gas.

80. Specifically, a group of a couple hundred demonstrators gathered near the Justice Center on July 2, 2020. The group blocked the streets, chanting and speaking for several hours. Several demonstrators shot off commercial grade fireworks during the speeches. The tenor of the group shifted when demonstrators broke into the north side doors of the Justice Center located on Southwest Main Street. Soon after, the group moved back to Southwest 3rd Avenue and broke glass doors on the Federal Court House building.

81. Around 11:42 p.m., Federal officers inside the courthouse came outside to protect the integrity of their building. While federal officers were outside, demonstrators began launching projectiles at the officers with sling shots. These projectiles included large rocks, full cans, and bottles. Demonstrators also threw lit commercial grade fireworks, which landed inside the broken glass doors of the federal courthouse. Simultaneously, demonstrators began setting a fire nearby on Southwest Main Street.

82. The sound truck made an admonishment telling demonstrators that they must cease the criminal activity of throwing projectiles and fireworks. Demonstrators were also warned if they did not cease the illegal actions and back away from the building, they would be subject to use of force, to include crowd control munitions. Even though the demonstrators were given several warnings by the sound truck, their criminal actions continued.

83. To protect the life and safety of personnel both inside and outside of the Federal Court House, at 11:52 p.m., a riot was declared. The sound truck admonished the crowd letting demonstrators know a riot had been declared. Demonstrators were told they needed to leave the area to the south and west immediately. If demonstrators did not leave the area, they were subject

to tear gas and crowd control munitions. The sound truck gave this admonishment several times, however, demonstrators continued to stay in the area.

84. Officers began dispersing the crowd in an effort to move them from the immediate area. During this lawful action, the demonstrators were very hostile and violent towards officers. An open pocketknife was thrown at an officer, coming within inches from striking them. Demonstrators continued to throw large rocks and full cans, as well as shot off commercial grade fireworks towards officers. During this time, several arrests were made. Once demonstrators were at Southwest 6th Avenue and Southwest Main Street, officers disengaged the crowd.

85. Around 12:46 a.m., demonstrators returned to the west side of the federal courthouse. Once again, demonstrators were warned by the sound truck that the riot declaration was still in effect and they needed to leave the area. At this time, demonstrators started launching mortars towards the federal courthouse and a fire erupted inside of the building where the glass doors had been broken.

86. Because of these immediate life safety issues, officers once again began to disperse the crowd. As they dispersed the crowd, demonstrators continued to throw rocks, cans, and commercial grade fireworks and mortars towards officers. Because of the violent nature of the demonstrators while officers cleared the area, crowd control munitions were used and several arrests were made. As officers began to disengage the crowd at Southwest Main Street and Southwest Broadway Avenue, commercial grade fireworks were once again thrown at officers.

87. Several demonstrators trickled back in to the Lownsdale and Chapman Park but eventually dispersed over the next several hours.

88. No CS gas was used by Portland Police Bureau officers during this event.

89. Attached as [Exhibit 38](#) are video clips of from the evening of July 2, 2020.

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July 3

90. On July 3rd and 4th 2020, again, the Federal courthouse was attacked, and projectiles and flammables launched at the building and at 4 am a riot was declared. Again, federal personnel used CS gas, but PPB did not use CS gas.

91. A group of a couple hundred demonstrators gathered near the Justice Center on July 3, 2020. For several hours, the group blocked the street on Southwest 3rd Avenue between Southwest Main and Southwest Madison Street. During this time, some demonstrators set off commercial grade fireworks on Southwest Main Street where the elk statue used to stand.

92. Around 11:00 p.m., demonstrators began marching to Waterfront Park. For about 45 minutes, demonstrators rallied in the park. At 11:45 p.m., demonstrators marched back to Southwest 3rd Avenue and gathered in the street from Southwest Salmon to Southwest Madison Street.

93. Around 12:53 a.m., a few of the demonstrators began throwing rocks at the Federal Courthouse building. Some of these rocks broke windows. At around 1:30 a.m., some demonstrators began shooting the commercial grade fireworks towards the Justice Center. Many demonstrators were carrying makeshift shields and sticks.

94. Some individuals began dragging fencing material and barricades and constructing a fence in the area of Southwest 3 Avenue and Main Street. Several small fires were lit throughout the night, including some dumpster fires, but Portland Fire & Rescue personnel were not required. There were also several arguments and physical fights within the group of demonstrators, but they all broke up without police intervention.

95. In on-going efforts to de-escalate the situation, PPB members stayed away from the demonstrators, as there was not an identified life safety risk.

96. At about 4 a.m., the Federal courthouse was again attacked. A riot was declared, and efforts were made to get the crowd to disperse, including numerous warnings to leave the area or be subject to arrest or force.

97. PPB did not deploy CS gas at any point during these overnight demonstrations.

98. Attached as [Exhibit 39](#) are video clips of from the evening of July 3, 2020.

July 4, 2020

99. On July 4/5, 2020, the violence continued over a period of several hours. The Federal Courthouse was attacked again and projectiles fired at the courthouse, flammables, windows broken and federal personnel deployed CS gas. The Justice Center was also attacked with violent demonstrators shooting fireworks and mortars at the Justice Center. Police had rocks, bottles, flammables, mortars and other projectiles fired at them. A riot was declared and the crowd ordered to disperse. Rather than dispersing, multiple instances of property damage, looting, and fires were set requiring police operations that continued into 4/5 am.

100. This was an extremely long night. The evening started out as expected with lots of energy and by 10 pm commercial grade fireworks and other fireworks were launched at the Justice Center creating a very real fire concern. We gave a couple warnings to not shoot things at the JC. At 10:41 pm, federal officers took someone into custody and deployed CS gas. This drew the crowd toward the Federal Courthouse. About 10 minutes later projectiles were flying at the Federal Courthouse and a window was broken out. The crowd moved to 2nd briefly and then back to 3rd where the barrage of projectiles intensified. We announced and gave warnings of Riot at 11:05 pm. At 11:10 pm, fireworks went through the broken window of the Federal Courthouse. Federal police again used cs gas and pushed to 4th. We closed 1st to Broadway and Columbia to Yamhill. During the push to Broadway PPB police took several mortar shells and rocks and bottles. We then reset and the group immediately came back toward the closed area. We warned not to continue and at 4th started the push again and PPB personnel were attacked with heavy projectiles, mortar shells and other flammables. Given life and safety issues and a very serious risk of physical injury, at 11:44 pm, CS gas was authorized and used to repel the violent demonstrators.

101. By 12:11 am on now July 5, 2020, PPB personnel had pushed the main group of violent protestors to the Skidmore fountain area where we disengaged again and did a roll call to identify where squads were and if all squads had all their people. By then, PPB had 2 RRT officers injured by Mortar shells, a MFF officer with an injury to a shin. and CS gas had been deployed as outlined above. Many windows at the old county courthouse had been broken out and several businesses then been damaged as well. And several fires had been set.

102. At 12:45 am, I observed livestream and it was announced that the violent protestors were returning for, in their words “round 2”, and asking for anyone with “protective gear to the front”. They returned, focused on the Federal Courthouse. At this point, PPB issued more force warnings.

103. At 12:54 am, PPB personnel took into custody a robbery suspect at Third and Alder. My understanding is the burglary was in progress when personnel rolled up on it.

104. At or near this same time, there was a fire started at Third and Main with scaffolding material from Second and Columbia. There was a fire at the pioneer statue, and the former elk statue. More fireworks were launched at the fed building, appeared someone pouring liquid on boarded up section (possible flammable) and fireworks against building. Federal employees redeployed and pushed out to 4th at approximately 1:48 a.m. PPB announced again that the area closed. PPB cleared Chapman and the Portland Fire bureau arrived to put out fires. PPB stopped at Broadway and took more projectiles and widened the closure area and began pushing further taking custodies in the south park blocks. PPB personnel pushed the main group to Burnside then to 14th. Air 1 was lasered several times tonight and PPB arrested 5 for doing so on 2 different bridges. Federal personnel are looking to charge these individuals.

105. At 2:25 a.m., PPB had a custody of one individual with a handgun who fought violently to avoid arrest.

106. I started releasing units at 2:45 a.m. The violent group then returned to the park again, although significantly smaller.

107. At 4:15 a.m., federal personnel swept the park again, taking one into custody with a laser and later with Mortar shell and possible pipe bomb/homemade explosive device. I called out the bomb squad to handle the device.

108. Later that day when it became light out on July 5, 2020, I observed marks on the windows of Central Precinct from the fireworks launched at the building the night of July 4/5, 2020. Central Precinct is housed in the same building as the Justice Center. *See* [Exhibit 40](#)

109. The violence toward the Federal Courthouse, the Justice Center, and North Precinct implicate very serious life and safety issues for all the people inside the buildings. Launching projectiles at police and buildings, setting fires, disabling security cameras, causing injuries, using high powered lasers to blind officers, blocking ingress and egress to buildings, looting, damaging property, breaking windows and firing fireworks and mortars inside through broken windows are all life and safety issues. It also shows the dangers of waiting until life and safety issues are implicated only, rather than in defense of property like at North Precinct, the Federal Courthouse and Justice Center. Taking a crowd on earlier in accordance with PPB policies and directives is a tool to prevent violent demonstrations from escalating to the point of life and safety issues after a riot is declared.

110. Attached as [Exhibit 41](#) are video clips of from the evening of July 4, 2020.

111. Frequently during the protests, I have received intelligence reports that there are individuals interested in seeing a police officer killed. While the person has only just been arrested, the homemade pipe bomb/improvised explosive device, if detonated near a police officer, is just the type of concern officers face when confronted by violent protestors.

112. In addition to the more serious arrests, the bulk of arrests that occur during protests are commonly for crimes such as disorderly conduct, ORS 166.025 and Interfering with a Peace Office. It is unusual to arrest individuals for assault or other more serious crimes because individuals who throw objects or fireworks are nearly impossible to arrest in a dynamic protest situation where they are often behind rows of other protestors. While officers can

sometimes identify individuals who are throwing or about to throw objects and deploy impact munitions to stop this behavior, it is much more difficult and dangerous for both officers and the crowd for small arrest teams to attempt to wade into the crowd to reach these individuals and make arrests.

113. Attached is a [spreadsheet](#) identifying the sources for video exhibits attached to this declaration.

114. I make this declaration in support of Defendant City of Portland's Response to Plaintiffs' Motion for Preliminary Injunction and Motion for Contempt.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: July 6, 2020

Due to active links, see attached signature page
Craig Dobson

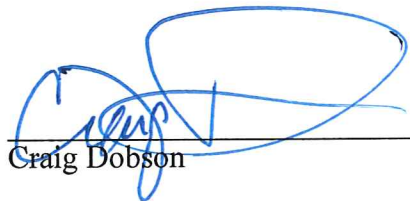
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